[Mr. P. K. Narayana Pillai.]

question which does not seem to be covered by any particular rule or provision of the Regulation, Standing order or Rule. That is one objection. Anyhow, I concede that the Dewan of Travancore has got, in emergent circumstances, power under Section 15 of the Regulation to enact any measure under peculiar exigencies. If, therefore, it is proposed to resort to such power, even there, such a measure will remain only in force for six months. Therefore, I do not think it is advisable to postpone the enforcing of the Civil Procedure Code beyond six months.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I point out to Mr. Narayana Pillai that the Section quoted by him applies only to Regulations not passed by the Council but passed direct by His Highness the Maha Raja or the Government without the aid of the Legislative Council and that it does not apply to a measure which has been passed by this Council?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is no law to be affected by this particular measure, as the Civil Procedure Code which has been passed by this Council is not law today. Before it becomes law, it is practically in a condition of suspended animation. It is somewhat in the state of a Bill and the question is whether a Bill can be amended —

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): To-day it is a Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am submitting that it is not a Regulation *in force* to-day. Under these circumstances, I feel some difficulty as to the particular Section, Rule or Standing Order, under which this motion is before the House.

PRESIDENT: We have got to think a few days ahead. This Bill will become a Regulation only after the Civil Procedure Code becomes a Regulation as both of them derive their being only after the 1st Chingam 1101.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The assumption is that the Civil Procedure Code has become law, before the 1st Chingam 1101.

It is to prevent the coming into force of the Civil Procedure Code that this attempt is now being made. Now I am raising the question whether this is possible under the Regulation or the Standing Order.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I also say a word with respect to this Bill? In the first place, it appears to be rather awkward that the two Regulations which received the Royal sanction only yesterday or to-day and will come into force from the 1st Chingam 1101 should be amended so soon after *i. e.* within less than 24 hours after they received the Royal sanction. As Mr. P. K. Narayana Pillai suggested, I also feel doubtful as to whether the Bill itself is in order. Because, it is not for the purpose of amending a

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Regulation that this Bill has been brought, but for the purpose of amending a particular Section of the Regulation which says that it shall come into force from the 1st Chingam 1101.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Does it not amount to an amendment?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): What I said was that it is not an amendment to the Bill but amending a Section which says that it shall come into force from 1st Chingam 1101. Before the law comes into force whether it can be amended is a matter of doubt.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): What will be the effect of staying it?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It will be infructuous. But let us proceed according to the Standing Orders. It might not be possible to amend it after it has come into force. If necessary, a Bill may be brought for suspending the Regulation. So I do not think it is in order to bring forward to-day a Bill for the purpose of amending a Section of a Regulation which has not already come into force and which is not a Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I say a word in regard to that? I am afraid that Messrs. P. K. Narayana Pillai and Paramesvaran Pillai are under some misapprehension in regard to what a law is. A law is a command by the Sovereign; and a Bill here becomes law directly the Sign Manual is affixed thereto, whenever it may begin to operate. If it begins to operate on a future day, that again is in virtue of the command contained in the enactment. And I submit that the Civil Procedure Code Regulation is law to-day.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether this Council has any power of sovereignty?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is a question which does not arise here (*Laughter*).

PRESIDENT: This Council has no power of sovereignty whatsoever (*Laughter*).

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It is an exploded theory that a law is the command of the Sovereign.

PRESIDENT: No; in the case of Indian States where there is sovereignty, the legislative capacity is invested in the Sovereign and therefore it is an act of State.

May I take it that the House accepts the motion?

The motion was carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): As the Bill is a short one, I do not think it necessary to refer it to a Select Committee. Hence I propose to move that it be not referred

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